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# **COPS Manual**

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## **Advancing Community Policing Grant Owner's Manual**

A step-by-step guide to assist law enforcement agencies  
in carrying out and reporting on their  
COPS Advancing Community Policing grant

**U.S. Department of Justice**  
Office of Community Oriented Policing Services  
Joseph E. Brann, Director

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# **COPS Advancing Community Policing Grant Owner's Manual**

The following manual was created to assist COPS Advancing Community Policing grantees with the administrative and financial matters associated with the grant.

For more information about your Advancing Community Policing grant, contact your COPS grant advisor. If you do not know who your grant advisor is or do not know the telephone number of your grant advisor, contact the U.S. Department of Justice Response Center at 1-800-421-6770.



**U.S. Department of Justice  
Office of Community Oriented Policing Services  
1100 Vermont Avenue, NW  
Washington, DC 20530**  
*(For overnight delivery, please use 20005 as the zip code.)*

Internet web site: <http://www.usdoj.gov/cops/>

**April 1998**

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## GETTING STARTED

Congratulations on receiving your award from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS). Through the Advancing Community Policing program, COPS provides funding directly to state, local, Indian tribal and other public law enforcement agencies that plan to institutionalize community policing by changing existing organizational structures or through the development of a Community Policing Demonstration Center.

This Advancing Community Policing Grant Owner's Manual will assist you with the administrative and financial matters associated with your project. It was developed by the COPS Office in conjunction with the Office of the Comptroller (Office of Justice Programs) to ensure that COPS awardees clearly understand and meet all requirements of the program. Please do not hesitate to call the COPS Office if you need assistance with the implementation of your project.

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**For assistance, call the COPS Office  
at 1-800-421-6770.**

Thank you for providing us with the opportunity to work in partnership with your community.

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## GLOSSARY OF TERMS

### **ACP**

ACP is an acronym for “Advancing Community Policing.”

### **Allowable costs**

Allowable costs are costs that will be paid for by this grant program. The ACP program provides for the salaries, overtime and approved benefits for sworn law enforcement officers and support personnel; equipment and technology; and training and/or travel that has been approved by the COPS Office. Upon review of your submitted budget, any nonallowable costs were removed, and your total budget amount was adjusted accordingly. A copy of the revised budget clearance memorandum from the Office of the Comptroller (Office of Justice Programs) identifying these revisions is included in your award package. Costs allowable under ACP are located in Appendix A.

### **Authorized official**

The authorized official is the individual in your agency who has final responsibility for all programmatic and financial decisions regarding this award. This person also may be the Program Director.

### **Backfilling**

Backfilling means replacing existing personnel who have been redeployed into a grant-funded position with new personnel. To avoid supplanting, a grantee who moves a current employee into a grant-funded position must hire an additional employee to fill the position the current employee vacated. See the definition for supplanting below.

### **Catalog of Federal Domestic Assistance (CFDA) number**

The CFDA is a governmentwide publication orchestrated by the General Services Administration. It is published annually. The CFDA contains a description and index of all forms of Federal assistance available from the Federal government. Each grant-making agency is responsible for submitting descriptions of its programs. Each program is assigned a “CFDA number” by the editors of the catalog. The CFDA is used by auditors in tracking grant revenues under the Single Audit Act and used by the state Single Points of Contact in conducting the required intergovernmental reviews under Executive Order 12372 in those states that participate in that program. The COPS CFDA number is 16.710.



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## **Cognizant Federal Agency**

Your Cognizant Federal Agency is generally the Federal agency that provides you with the most Federal money. Your Cognizant Federal Agency may have already been assigned to you by the Office of Management and Budget.

If this is the first Federal grant that your organization has received, the U.S. Department of Justice (DOJ) is your Cognizant Federal Agency. If the DOJ is your Cognizant Federal Agency, your audit reports should be sent to the regional audit offices of the U.S. Department of Justice. A list of the audit offices is provided in Appendix D.

## **Cooperative Agreement**

A cooperative agreement is used as an instrument for funding when there will be substantial involvement between the Federal agency and the recipient of funds in the implementation of the funded project. While not explicitly defined, “substantial involvement” encompasses more than routine monitoring or auditing of products or compliance with the administrative requirements of the funding. It may include actual participation and joint efforts with the COPS Office, but does not include direct COPS Office supervision or control. While cooperative agreements usually require more communication and coordination between the Federal agency and the recipient, cooperative agreements also can allow for more flexibility in the redirection of the project or funding if necessary. If you require more information about the differences between a simple grant and a cooperative agreement, contact the Community Policing Demonstration Centers team leader at 1-800-421-6770.

## **COPS Office**

The Office of Community Oriented Policing Services (COPS) is your “grantor agency” for your Advancing Community Policing award. The COPS Office is responsible for administering your grant for the entire grant period. You can reach the COPS Office at 1-800-421-6770.

## **Grant**

A grant is an award of financial assistance, including cooperative agreements, in the form of money or property in lieu of money, by the Federal Government to an eligible grantee. (See 28 C.F.R. 66)

## **Grant advisor**

Your grant advisor is your point of contact with the COPS Office for administration of your grant program.

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## **Grant number**

Your grant number will be in the following format: 97-OC-WX-# # # # if you received an Organizational Change grant, or 97-PA-WX-K # # # if you received a Community Policing Demonstration Centers grant. The number can be found on your grant Award Page. It is assigned by the Office of the Comptroller and should be used when corresponding with that office. This will aid the Comptroller's staff in determining to which grant you are referring.

## **Obligation of funds**

Federal funds are considered "obligated" when the grant award document is signed by the director of the COPS Office or his designated official. Funds are reserved against the grant until all grant monies are spent or refunded to the Federal Government.

## **ORI number**

The Originating Agency Identifier (ORI) number is assigned by the FBI as a law enforcement agency's identifier. The first two letters are your state abbreviation, the next three numbers are your county's code, and the final two numbers identify your jurisdiction within your county. It is also a shortened version of the law enforcement agency's National Crime Information Center (NCIC) identifier. If your agency does not have an ORI number assigned by the FBI, the COPS Office assigns a nonofficial ORI code to use as an agency identifier (the last 2 digits will be "Z" if your code is a nonofficial ORI code). It can be found on your award document.

## **Overtime**

Overtime refers to paying currently employed sworn officers, or support personnel, additional monies for working additional hours beyond the normal work week to engage in activities related to this grant. For purposes of this grant, an overtime wage is the amount paid for each hour of overtime service.

## **Prior approval**

Prior approval is documentation evidencing COPS Office consent prior to incurring a specific cost.

## **Program Director**

The Program Director is the point of contact assigned by the awarded agency to serve as the primary liaison to the COPS Office. The Program Director is responsible for the daily management and operation of the Community Policing Demonstration Center's

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activities. The Program Director must ensure compliance with the conditions of the award and implement the program in accordance with the approved application and other documents.

### **Program income**

Program income is the gross income received by the grantee or subgrantee that is directly generated by a grant-supported activity or earned only as a result of the grant during the grant period.

### **Supplanting**

For the purpose of your COPS grant, supplanting means to use Federal COPS funds to replace state or local funds which otherwise would have been spent on law enforcement purposes. You are prohibited from supplanting throughout the award period, which means that you may not use COPS funds to pay for any sworn officer or civilian position who otherwise would have been employed, or purchase anything with COPS funds that otherwise would have been purchased, with state or local funds in the absence of the COPS program. COPS funds must instead be used to supplement your budget. For further information, please review grant condition #3 and/or contact the COPS Office Legal Division at 202-514-3750.

### **Ven number / EIN number / Vendor number**

This number is usually your agency's Federal identification number as assigned to you by the IRS. In some cases, the EIN has been previously assigned to another agency within your jurisdiction. In that instance, a new vendor number will be assigned to you by the Office of the Comptroller. The new assigned vendor number is to be used for grant administration uses only and should not be used for IRS purposes.

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## **Section I**

# **GRANT ACCEPTANCE, TERMS AND CONDITIONS**

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In order to officially begin your grant, you will need to review the Award Page and grant conditions, sign the new Award or Modified Award Page and return it to:

**COPS ADVANCING COMMUNITY POLICING CONTROL DESK**  
**Office of Community Oriented Policing Services (COPS)**  
**1100 Vermont Avenue, NW**  
**Washington, DC 20530**

You will be able to draw down grant funds after:

1. The COPS Office approves your budget.
2. You sign your Award Page or Modified Award Page and return it to the COPS Office.
3. After steps one and two are completed, you may begin drawing down funds through the LOCES or PAPRS systems.

## THE AWARD PAGE

The Award Page contains the preprinted names and addresses of your law enforcement and government officials. If this information is incorrect or has changed, please correct it on the enclosed change of information sheet. The award also indicates your official grant funding amount, the award number, the award date and the grant period.

**The award start date for your grant is located on the enclosed Award Page.** This means that any **allowable costs** you incur on or after the award date will be reimbursed by the COPS Office. The duration of your ACP grant is one year.

Your grant award number is in this format: 97-OC-WX-# # # # (Organizational Change grants) or 97-PA-WX-K # # # (Community Policing Demonstration Centers grants). It is used for financial purposes and should be referred to when dealing with the Office of the Comptroller.

Your ORI number begins with your state abbreviation followed by numbers and/or letters. This number is assigned by the Federal Bureau of Investigation for use in tracking crime statistics for the Uniform Crime Report. The COPS Office tracks programmatic grant information using your ORI number.

If you have any questions regarding your grant, please refer to your grant award number or your agency's ORI number, and we will do our best to assist you.

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## **What is a Modified Award?**

In a small number of cases, a Modified Award Page may be included in this mailing. The final grant amount on this document may differ from the estimated amount on your original Award Page, because the final amount is based upon your approved budget. If you are receiving a Modified Award, take careful note of the change between your estimated amount on the original document and the actual amount of the Modified Award. If you have any questions about the modification, refer to your budget clearance memorandum. If you still have questions, please contact your financial analyst at 1-800-421-6770. After you review and understand this document, please sign it, make a copy for your records and mail the original back to the COPS Office.

## **GRANT CONDITIONS**

By accepting this grant, you are entering into a partnership with the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS). As part of that partnership, you agree to a number of grant conditions (and possibly additional conditions specific to your agency). These conditions are listed on the back of the enclosed award document. The section that follows describes in detail each of the grant conditions, their rationale and their implications. It also addresses many commonly asked questions.

### **Reasons for grant conditions**

The requirements of your ACP grant are established within:

- The Public Safety Partnership and Community Policing Act of 1994 under which the COPS Office was established; and
- Applicable rules, regulations and policies issued by the U.S. Department of Justice, Office of Management and Budget (OMB), the General Accounting Office (GAO), and the United States Treasury.

A list of source documents for this booklet is provided in Appendix B. You may request copies of any of these materials from the Office of Administration, Publication Unit, Room G 236, New Executive Office Building, Washington, DC 20503, or from either the COPS Office or the Office of the Comptroller.

The following is a review of each grant condition.



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## #1 Drawdown of Funds

*Grantees which have been awarded funding for the procurement of an item in excess of \$100,000 and have already identified a vendor must provide a written sole-source justification to the COPS Office prior to obligating, expending or drawing down grant funds for that item.*

### **Rationale:**

In general, grant recipients are required to procure funded items in a way that ensures open and free competition to the greatest extent possible. However, in some instances, grantees may have already determined that competition is not feasible. In those cases, you must provide a written explanation justifying procurement from a single source.

### **Action:**

If you have received an award for an item or service in excess of \$100,000 and have already identified a vendor through the solicitation of only one source, you must provide a written justification that explains why it is necessary to contract noncompetitively.

The initial determination that competition is not feasible can be made if one of the following circumstances exists:

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**By accepting this grant, you agree to a number of grant conditions.**

1. The item or service is available only from a single source; or
2. A competitive solicitation would create an undesirable delay affecting the grantee's ability to meet program requirements; or
3. A number of sources were solicited but were considered inadequate.

The COPS Office will review your request and the supporting information which you provide and will make a determination as to whether or not an exception can be granted to the general rule regarding competition. Please use the format described in Section II, "Procurement Procedures," when submitting your justification for noncompetitive procurement.

## #2 Allowable Costs

*The funding under this project is for the payment of salaries, overtime and approved benefits for sworn law enforcement officers and support personnel; equipment and technology; and training and/or travel that has been approved by the COPS Office. The particular areas for which your grant has been approved are listed on the budget clearance memo which is included in your award packet.*

### **Rationale:**

The ACP program is meant to help policing agencies further develop an infrastructure to institutionalize and sustain community policing practices. The allowable costs should be used to further this goal.

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**Action:**

OFFICER AND SUPPORT PERSONNEL SALARY AND BENEFITS - To be eligible for payment under the grant, a salary must be reasonable for the services rendered and must be paid to a person appointed under the law or rules governing hiring by your agency. Salary payments must be based on payroll records. Payroll records must be supported by time and attendance records or their equivalent.

Fringe benefits may be paid if they are part of a reasonable compensation package offered to your employees. Particular items of fringe benefits must fall within the categories authorized by the COPS Office. Authorized fringe benefits include FICA, Social Security, health insurance, life insurance, vacation, sick leave, retirement, worker's compensation and unemployment insurance.

EQUIPMENT AND TECHNOLOGY - To be eligible for payment under this grant, the purchase of equipment and technology must meet the guidelines described in 28 C.F.R. 66.

OVERTIME - To be eligible for payment under this grant, overtime must be the wage normally paid for each hour of overtime service to currently employed sworn officers, or support personnel, for working additional hours beyond the normal work week to engage in this grant program's activities.

TRAINING - To be eligible for payment under this grant, training costs must directly contribute to the performance of individuals involved in this grant program. This training must be pre-approved but may be gained at local, state or national conferences, seminars or classes on the topic area addressed by your grant program.

CONSULTANTS/CONTRACTS - The COPS Office requires written justification of any consultant or contractor rate which exceeds \$250 per day. Specific and detailed justification must be submitted to and approved by the COPS Office prior to obligation or expenditure of such funds.

Section IV of this manual outlines the types of records that must be kept by you to ensure that you have followed this grant condition. As long as funds are spent on the salary and benefits, equipment and technology, overtime, or training costs that are documented in your application and were approved by your financial analyst, this grant condition will be satisfied.

### **#3 Supplementing, Not Supplanting**

*ACP grant funds must be used to supplement, and not supplant, funds for activities that would have taken place in the absence of this grant. Grantees receiving Federal funds to pay for the salary and benefits of a current employee who is being redeployed to the grant project agree to backfill the resulting vacancy at the same time with the same level of local funding which otherwise would have been spent on the employee's salary and benefits.*

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**Rationale:**

The Public Safety Partnership and Community Policing Act of 1994 specifically states that Federal funds under the COPS programs may not be used to supplant local or state funds which would be spent on law enforcement purposes in the absence of the COPS grant.

**Action:**

OFFICER AND SUPPORT RESOURCES - To meet this grant condition, you must ensure that:

- Each officer or civilian employed under the Advancing Community Policing grant program is newly hired on or after the beginning of your grant period. If current personnel are redeployed into this program, their positions must be back-filled for an equivalent amount of time;
- The officer(s) and/or civilian(s) that you are hiring brings your force to a number over and above the number of officers and funded civilian positions that you had on the date of your ACP grant program application;
- During the life of your grant, you must continue to hire as many new, locally funded officers and/or civilians as you would have if you had not received your grant. You may not cancel or postpone spending money in your budget that is committed to hiring other new officers and/or civilians; and
- You must take positive and timely steps to fill any vacancies that were created on or after the date of your grant application by retirement, resignation or other reasons with new officers and/or civilians other than your ACP program officers and/or civilians.

Example: If you are redeploying a current employee who would otherwise be paid \$30,000 in salary and benefits during the life of the grant project, you must at the same time backfill the resulting vacancy by spending the locally budgeted amount of \$30,000 for either a newly hired employee or to pay overtime to cover the vacant position during the life of the grant.

EQUIPMENT AND TECHNOLOGY - To meet this grant condition, you will need to ensure that:

- Equipment or technology purchased is in addition to purchases that the grantee is obligated or funded to make in the current budget. Funds currently allocated to purchase equipment or technology may not be reallocated to other purposes or refunded upon the award of an ACP grant.

OVERTIME - To meet this grant condition, you will need to ensure that:

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- Overtime exceeds expenditures that the grantee is obligated or funded to pay in the current budget. Funds currently allocated to pay for overtime may not be reallocated to other purposes or refunded upon the awarding of a COPS Advancing Community Policing grant.

TRAINING - To meet this grant condition you must ensure that:

- Any training provided by the ACP program is in addition to the number of hours of training already provided by your agency. The training also should be different in scope to any training currently provided by your agency. Funds currently allocated for training may not be reallocated to other purposes.

NOTE: APPLICATION TO PARTNERSHIP AGENCY - This condition applies to all state- or locally-funded agencies working in partnership with you under this grant. You are responsible for ensuring that any state- or locally-funded partnership agencies use COPS funds only to supplement, and not supplant, their state or local funding as described in this condition.

#### **#4 Fiscal Year and Cognizant Federal Agency**

*Prior to withdrawal of funds under this award, the recipient must provide the Office of the Comptroller with the recipient organization's fiscal year and the name of its Cognizant Federal Agency.*

##### **Rationale:**

In order to ensure that your agency is in compliance with Federal audit requirements and OMB regulations, the Office of the Comptroller and the Cognizant Federal Agencies must coordinate tracking of all Federal funds awarded under grants. To accomplish this, we need your cooperation in gathering the information.

##### **Action:**

This information was requested in the application you submitted for COPS Advancing Community Policing. In most cases, this condition has been satisfied. However, if you did not provide this information, your Cognizant Federal Agency is the Federal department or agency that provides you with the most Federal money. It may have been assigned to your jurisdiction previously. If this is your first Federal grant, your Cognizant Federal Agency is most likely the U.S. Department of Justice. Please contact your grant advisor if you have any questions about the identity of your Cognizant Federal Agency.

#### **#5 Travel Costs**

*Travel costs for transportation, lodging and subsistence, and related items are allowable under the ACP program with prior approval. These costs will be considered reasonable and allowable*

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*only if such costs do not exceed the charges normally allowed by your jurisdiction. If your jurisdiction does not have a written policy with regard to travel costs, the rates and amounts established under subchapter I of Chapter 57 of Title 5, United States Code "Travel and Subsistence Expense, Mileage Allowances" or by the Administrator of General Services, the president or his designee shall be used for travel under Federal awards (see OMB Circular A-87 "Cost Principles for State, Local and Indian Tribal Governments").*

**Rationale:**

Either local or Federal travel guidelines should be used to determine travel expenses.

**Action:**

Requests for travel to specific sites made in the application budget section may be used to attend training and technical assistance conferences, seminars or classes or to visit a site specified in the application. You should be aware that lodging, meals and incidental expenses related to the project and funded by the COPS Office shall be limited to the established Federal rate or local rate for the geographic location of the training, technical assistance or conference. Any exception to this policy must be justified as cost effective and requires prior approval of the COPS Office and the Office of the Comptroller. Any such per diem costs exceeding the Federal rate incurred without prior justification and prior approval will not be allowed. Expenses for lodging, meals and incidental expenses related to this project which were included in the application have been pre-approved by the COPS Office.

## **#6 Assurances and Program Guidelines**

*The grantee acknowledges its agreement to comply with the assurances and certifications submitted with the COPS Advancing Community Policing grant application.*

**Rationale:**

Although the U.S. Department of Justice has made every effort to simplify the process for applying for and receiving grants, Federal law requires us to seek your assurance and certification regarding certain matters. Most of these assurances apply to all grants provided by the Federal government.

**Action:**

When you submitted your original application, there was a list of assurances and certifications that you signed and included with your completed application. This condition merely restates your agreement to comply with those assurances.

Another copy of the assurances and certifications is contained in Appendix C of this manual. If you have any questions about them, please contact your grant advisor.

NOTE: By signing the grant award and agreeing to abide by the assurances and other grant conditions, you are not necessarily signing "on behalf of" your partner or partners

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(when applicable), but you are taking responsibility for being the lead agency under this grant. As the lead agency, you have the ultimate responsibility for ensuring that all grant funds are used properly by your agency and by your partner or partners. The lead agency is accountable for the use of COPS funds throughout the grant period, whether those funds are spent directly by you or by a secondary participant in the funded project.

## **#7 Revised Time Line**

Grantees **must** submit a revised time line for implementation of their program within 45 days of receiving this award. The time line should reflect any programmatic changes made as a result of disallowed or reprogrammed costs.

### **Rationale:**

In order for the COPS Office to adequately evaluate the development and progress of your program, we need an accurate and up to date implementation plan.

### **Action:**

Once you have received your grant award documents detailing what costs will be allowed, you must submit a revised implementation time line similar to the one submitted in the original grant application. This time line should reflect changes that have occurred due to delays in processing your grant application, as well as changes due to disallowed items. NOTE: this time line must be submitted before you can receive any payments.

## **#8 Reports**

*In order to assist the COPS Office in the monitoring of the award, your agency will be responsible for submitting periodic Program Progress Reports and quarterly Financial Status Reports. As those reports become due, your grant advisor will assist you with the Progress Reports, and your financial analyst will assist you with the Financial Status Reports.*

### **Rationale:**

The Public Safety Partnership and Community Policing Act of 1994 and other Federal regulations and policies require that financial assistance provided by the Federal government be monitored carefully to ensure the proper use of Federal funds. In addition, the COPS Office seeks to document, on a continuing basis, the progress of our programs and our grantees.

### **Action:**

This grant condition is to make you aware of your responsibilities in assisting us with reporting requirements. These reports are discussed extensively in Section VI of this manual. To meet this condition, you will be requested to complete periodic Program Progress Reports and four Financial Status Reports per year. We are currently exploring

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ways to reduce the amount of reporting that an agency must do while ensuring that adequate information is collected.

## **#9 Evaluation**

*The COPS Office may conduct or sponsor national evaluations of the Community Oriented Policing Services (COPS) program and the Advancing Community Policing program. The grantee agrees to cooperate with the evaluators to the extent practicable.*

### **Rationale:**

The Public Safety Partnership and Community Policing Act of 1994 states that evaluations of the COPS program may be carried out or commissioned by the Attorney General to further the purposes of the Act. The COPS Office plans to conduct evaluations to determine what programs are working, how programs may be improved and why certain programs are working better than others.

Specifically, the COPS Office may assess the way in which you implement your community policing program. In some jurisdictions, COPS staff may study the effectiveness of funded programs, projects and activities. Evaluators may collect information about the programs' effects on crime, victims of crime and the quality of life in communities. In addition, they may ask questions about how residents feel about community policing and how police officers feel about their work. This information will be useful to other communities and police agencies across the country.

### **Action:**

When evaluations are undertaken, you may be contacted in writing with specific requests for information. In general, evaluators may need to speak with individuals in your department, observe activities of your department, and obtain written reports about and from your department. You may be asked to facilitate any site visits and information-gathering activities. In addition, you may be asked to provide accurate and timely information about your grant activities.

## **#10 Grant Owner's Manual**

*The grantee agrees to abide by the terms, conditions and regulations as found in the ACP Grant Owner's Manual and the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 28 C.F.R. Part 66, or the Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals and Other Non-profit Organizations, 28 C.F.R. Part 70.*

### **Rationale:**

This manual has been tailored to inform you of the policies, procedures and regulations that apply to your grant. You will be responsible for the information and rules contained in this manual. More detailed guidance can be requested through your grant advisor.

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**Action:**

Please read the entire ACP Grant Owner's Manual carefully prior to signing the grant Award Page. If you have any questions, please contact your grant advisor to discuss them. When you sign the Award Page, you should ensure that the proper reporting and financial systems are in place to satisfy the requirements.

**#11 Equal Employment Opportunity Plan (EEOP)**

*For grants of \$500,000 or more (or \$1,000,000 or more in grants over an 18-month period), the grantee acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if grantee is required to submit one under 28 C.F.R. 42.302) that is approved by the Office of Justice Programs, Office of Civil Rights, is a violation of its Assurances and may result in the suspension of funds. For grants under \$500,000, the grantee must submit a completed EEOP Certification form and return it to the Office of Justice Programs, Office of Civil Rights, within 120 days of the grant award, to:*

*Office of Civil Rights  
Office of Justice Programs  
810 7th Street, NW  
Washington, DC 20531*

**Rationale:**

The purpose of an Equal Employment Opportunity Plan (EEOP) is to ensure full and equal participation of men and women regardless of race or national origin in the workforce of the grantee agency. EEOPs do not impose quotas or hiring requirements. The U.S. Department of Justice (DOJ) regulations regarding the requirements and content for an EEOP for Federal grant recipients are fully explained in 28 C.F.R. § 42.301 et seq.

**Action:**

DOJ regulations require you to prepare and maintain an EEOP if your organization:

- Has 50 or more employees; and
- Received a total of \$25,000 or more in grants or subgrants; and
- Has 3 percent or more minorities in its service population. Even if there is less than 3 percent of minorities in the service population, the DOJ regulations require that the EEOP be written to focus on women.

If you meet the above criteria and:

- Receive over \$500,000 (or a total of \$1 million in grant funds during an 18-month period), then you are required to submit an EEOP to:

Office of Civil Rights  
Office of Justice Programs  
810 7th Street, NW  
Washington, DC 20531



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If you meet the above criteria, but your grant is for under \$500,000, or you have received less than \$1 million in grant funds during an 18-month period, you need to complete and return the one-page COPS EEOP Certification form within 120 days of your grant award to advise us whether you have an EEOP in effect or whether you are exempt from this requirement. If you need help preparing an EEOP, please consult the “7 Step Guide to Preparing an EEOP” enclosed in your award package.

NOTE: If you have submitted an approved EEOP under another grant program, and that EEOP remains in effect, you do not need to take any further action to meet this condition.

## **#12 Extensions**

*You may request an extension of the grant award period to receive additional time to implement your grant program. These extensions do not provide additional funding. The COPS Office will contact you during the last several months of your grant period to inquire whether or not you need an extension. Only those grantees who can provide a reasonable justification for delays will be granted no-cost extensions.*

### **Rationale:**

Under Federal regulations, grant extensions which merely request additional time, not additional funding, require prior approval. Without an approved extension, your funding will be automatically stopped 90 days after the end of the grant period.

### **Action:**

In an effort to reduce the number of extensions during the grant period, the COPS Office asks that you delay any request for an extension until the COPS Office requests such information, and you are able to determine accurately when you expect the grant to be over. If the COPS Office receives and approves your extension request, we will ensure that you have continued access to your grant monies.

## **#13 Immigration and Naturalization I-9 Form**

The grant recipient agrees to complete and keep on file, as appropriate, an Immigration and Naturalization Service Employment Eligibility Verification Form (I-9). This form is to be used by the recipients of Federal funds to verify that persons are eligible to work in the United States.

### **Rationale:**

Under Federal immigration law, all employers are required to take certain steps to ensure that persons that are hired are legally permitted to work in the United States. The Immigration and Naturalization Service Employment Eligibility Verification Form (I-9) outlines the types of documents that an employer should review to confirm that a new hire is eligible to be employed. The provisions of this law apply to employers regardless of whether or not they receive Federal grant funding.

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**Action:**

You do not need to submit any documentation to the COPS Office to satisfy this condition. Rather, you should complete and maintain the I-9 forms for all new employees under the guidelines set forth by the Immigration and Naturalization Service. For information about this requirement, you may call 202-514-4316 or your local INS office.

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## **MATCHING FUND REQUIREMENT**

Under the COPS Advancing Community Policing program, no local match is required. It is likely that the COPS Office is funding 100 percent of the allowable items approved in your budget summary, unless your agency exceeded the funding cap previously stated for your grant.

## **COMMUNITY POLICING DEMONSTRATION CENTERS**

### **Terms of Cooperative Agreement**

#### **Statement of Federal Involvement**

The COPS Office has elected to enter into a type of grant known as a cooperative agreement with your police department as the awardee of record under the ACP program. Under a cooperative agreement, the Justice Department will be involved in the enhancement of your law enforcement agency's internal community policing efforts while developing a structure for routine, effective delivery of services to other agencies. Cooperative agreements are entered into when the Federal government plans to have substantial, ongoing program oversight of the funded project during the grant period.

In addition to the special conditions explained earlier, Community Policing Demonstration Centers will have the following requirements:

1. The awardee will establish a Community Policing Demonstration Center in accordance with its approved application and will provide the services of a dedicated Program Director as a single point of contact for administration of this cooperative agreement. The awardee is responsible for all financial and administrative requirements for this project as set forth in the Office of Justice Programs Financial and Administrative Guide M7100.1D and as noted in grant condition #1.
2. The awardee will use the award funds to support a dedicated project staff and Program Director to implement the program activities. The Program Director will serve as the primary liaison to the COPS Office and will be responsible for the daily management and operation of the Community Policing Demonstration Center. In this capacity, the Program Director will ensure compliance with the conditions of this cooperative agreement, as well as the implementation of this project in accordance with the approved application and subsequent documents.

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3. The Program Director will ensure that a revised work plan and time line is submitted to the COPS Office for approval within 45 days of receiving this award.
  4. The Program Director will be responsible for ensuring that all training and technical assistance providers used by this Center have demonstrated expertise in community policing or subject matters related to community policing and are able to perform successfully specific training and technical assistance tasks as required under this cooperative agreement and the original application.
  5. The Program Director will provide a detailed task plan for the upcoming project activities to the COPS Office on, at least, a quarterly basis. The plan will identify each partner's tasks and responsibilities and list the staff and/or consultants assigned to each task. At the discretion of the COPS grant advisor, the awardee may be asked to submit task plans on a more frequent basis.
  6. The Program Director will submit for approval or disapproval to the COPS Office any proposed changes in key staff assignments to this project and any significant changes in any partner's role or responsibilities.
  7. The Program Director will submit periodic Progress Reports on the status of all deliverables to the COPS Office in a format that will be designated by that office. At the discretion of the COPS grant advisor, the awardee may be asked to submit Progress Reports on a more frequent basis.
  8. The Program Director will notify the COPS Office of all major project-related meetings, training and technical assistance activities, and conferences and ensure that all partners receive sufficient advance notice of such events.
  9. The COPS Office will evaluate this project in conjunction with local researchers and/or evaluators. The awardee, in consultation with the COPS Office, agrees to make reasonable adjustments to programs and activities in response to significant points of the evaluation or feedback. Prior to the second quarter of the project, the awardee shall have: (1) participated in a Centers research and evaluation conference to determine what types of information/data will be gathered, and (2) verified with local agencies or partners that do not attend the conference that the information/data is collectable. Awardees who are unable to meet these requirements must submit a detailed written evaluation plan and receive written confirmation of the plan from the COPS Office.
  10. The grantor agency reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize other(s) to use, for

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**If you received a Community Policing Demonstration Centers grant, you have entered into a cooperative agreement with the COPS Office.**

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Federal government purposes: (1) the copyright in any work developed under a Federal grant, subgrant or cooperative agreement, or contract under a grant, subgrant or cooperative agreement; and (2) any rights of copyright to which an awardee or grantee, subgrantee, or a contractor purchases ownership with grant or award support.

11. The awardee may collect registration/conference fees, however, there are a few restrictions. The registration/conference fee must be approved by the COPS Office prior to advertisement and collection and special consideration for reduced or waived fees must be given to agencies known to be experiencing fiscal hardship. The fees shall be used to sustain activities after Federal funding has lapsed and shall not be used to enhance the current project. Projects that generate income must account for and report on 100 percent of the total income earned. The agency must ensure that a system is in place to generate this report and the agency shall report on the use of the program income to the COPS Office, even if Federal involvement has ceased.
12. Your agency shall require each subrecipient to complete a Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion (OJP Form 4061 / 1) pursuant to the Federal Register dated May 26, 1988 (28 C.F.R. 67.510), prior to entering into a financial agreement with subrecipients. This includes consultants who have critical influence on, or substantive control over, the award. The awardee is responsible for monitoring the submission and maintenance of the official documentation.
13. The awardee shall submit to the COPS Office one copy of all reports and proposed publications resulting from this agreement twenty (20) days prior to public release. Any publications (written, visual or sound, but not including press releases, newsletters and issue analyses), whether or not published at government expense, shall contain the following statement:

"This project was supported by cooperative agreement # \_\_\_\_\_ awarded by the Office of Community Oriented Policing Services, U.S. Department of Justice. Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice."
14. Your agency agrees to consider and utilize, if feasible and desirable, information and materials developed under complementary efforts funded by the COPS Office.
15. Your agency agrees to obtain the approval of the COPS Office before expending grant funds on noncompetitive contracts (including equipment purchases) in excess of \$100,000.

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16. Approval of this cooperative agreement does not constitute approval of consultant or contractor rates in excess of \$250 per day. Specific and detailed justification must be submitted to and approved by the COPS Office prior to obligation or expenditure of such funds.
  17. The awarded agency agrees to comply with the organizational audit requirements of OMB Circular A-133. This audit must be performed in accordance with GAO's Government Auditing Standards. The management letter must be submitted with the audit report. Audits must be submitted no later than 13 months after the close of the awardee's audited fiscal year. An original and one copy of the audit report must be submitted to the appropriate Regional Inspector General for Audit. A list of regional auditors is contained in Appendix D.

Your agency must submit its corrective action plan with the audit report to the DOJ Regional Inspector General for Audit if there are findings/recommendations disclosed in the audit report. The corrective action plan should include: (1) specific steps taken to comply with the recommendations; (2) a timetable for performance and/or implementation date for each recommendation; and (3) a description of monitoring to be conducted to ensure implementation.

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## **Section II**

# **PROCUREMENT PROCEDURES**

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Please review the enclosed Uniform Requirements for Grants and Cooperative Agreements to State and Local Governments. If you have any questions regarding the Federal Government requirements that guide procurement procedures, please call 1-800-421-6770. All grantees must follow the regulations listed in 28 C.F.R. 66.36 Procurement.

## **JUSTIFICATION FOR NONCOMPETITIVE PROCUREMENT**

If you wish to purchase equipment/technology or enter into a contract with an entity, and the funding level would be in excess of \$100,000, you must request, in writing, an exception to the general rule regarding free and open competition. Your request should be in the following format:

**Paragraph 1** - A brief description of the project and what is being contracted for

**Paragraph 2** - Explanation of why it is necessary to contract noncompetitively, including the following:

- Expertise of the contractor
- Management
- Responsiveness
- Knowledge of the project
- Experience of contractor personnel
- Results of a market survey to determine competition availability or, if one was not conducted, explain why not

**Paragraph 3** - Time Constraints

- When contractual coverage is required and why
- Impact on project if dates are not met
- How long it would take another contractor to reach the same level of competence (equate to dollars, if desired)

**Paragraph 4** - Uniqueness

**Paragraph 5** - Other points that should be covered to “sell the case”

**Paragraph 6** - A declaration that this action is in the best interests of the agency

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## **Section III**

# **ACCESSING GRANT FUNDS**

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This section provides information about how you receive funds and gives answers to payment-related questions. In your award packet, you will find documents to help you set up access to your grant funds.

## **PAYMENT METHODS**

There are two methods of payment that you can use to access your grant funds: PAPRS and LOCES. In emergency situations, you may use the Revised H-3 (Request for Payment) provided in your award packet; your use of the Revised H-3 must be cleared with an Office of the Comptroller accountant prior to submission.

The following explanation of payment methods will assist you in determining which payment method you would like to use to access your COPS grant funds.

### **PAPRS**

PAPRS is the Phone Activated Paperless Request System. PAPRS replaces the paper form H-3 (Request for Payment) by enabling grantees to use their touch-tone telephone to request funds. The system provides on-line information to grantees about the status of their requests and will automatically schedule approved payment requests for U.S. Treasury disbursement.

If you do not have a touch-tone phone, please contact the Accounting Division help line at (202) 307-5909.

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**There are two methods of  
payment that you can use to  
access your grant funds:  
PAPRS and LOCES.**

### **LOCES**

LOCES is the Letter of Credit Electronic Certification System. LOCES is a modem connection service that allows recipients of COPS funds to electronically request payment from any of their grants and receive those funds through a direct deposit to their bank account within 48 hours. It is suitable for agencies that have a computer and a dedicated modem and desire flexibility in how much and when they request their payments.

### **How does LOCES work?**

1. To make requests for payments through LOCES, you must have a personal computer operating DOS 3.1 or higher. We recommend a 28.8 baud modem.
2. A complete LOCES form and manual package may be requested by contacting the Accounting Division help line at (202) 307-6232. Once you complete and return the LOCES Automation Survey form, your LOCES software will be customized for

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your use and forwarded to you. In addition, the Accounting Division can provide technical assistance on using the LOCES system.

### **What are the benefits of LOCES?**

The LOCES method is a completely computerized method of payment. It also allows you to file your quarterly Financial Status Reports (SF-269) electronically.

## **SETTING UP YOUR ACCOUNT**

### **How do I fill out the payment enrollment form?**

One of the most important financial-related documents is the Automated Clearinghouse (ACH) Vendor/Miscellaneous Payment (SF 3881) enrollment form. The ACH Vendor/Miscellaneous Payment enrollment form needs to be filled out regardless of the payment method. The "Agency Information" section has been filled out by our Accounting Division. Your agency needs to fill out the "Payee/Company Information" section following the directions on the back of the form. You also need to provide the grant number (printed on the Award Page) on this form. Then you must get your financial institution to complete the "Financial Institution Information" section and have the appropriate financial official sign the form. Once all portions have been completed, return this form to the address printed at the top of the form before trying to access funds.

### **Do I need a Financial Status Report to open my account?**

As part of Federal auditing requirements, your agency has to complete a Financial Status Report (SF 269) quarterly. Payment requests will be denied if the current SF 269 is overdue. Please make blank copies of both sides of the form provided in your award packet and retain them for future use. This form is a report of the status of expenditures (the amount of money that your agency has spent for the grant). The Financial Status Report is due 45 days following the end of a calendar quarter (calendar quarters end March 31, June 30, September 30 and December 31). Even when you have not expended any funds during a quarter, the Financial Status Report should be submitted with zeros in the appropriate spaces. When setting up your account, check to see when the last quarter ended and fill out a Financial Status Report to reflect the amount of your agency's expenditures for the grant for that quarter. Submit the form along with the ACH Vendor form. For the rest of the year, please submit Financial Status Reports no later than May 15, August 15, November 15 and February 15. Completing the Financial Status Report does not mean that you will be reimbursed for the amount you show as being expended. You must still request payment through PAPRS or LOCES (see the section on payment methods). For more information, see section VI of this manual on reports.

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## **PAPRS User's Manual**

Since most COPS grantees will use the PAPRS method to access grant funds (see the section on payment methods), the PAPRS User's Manual will be provided to you by the Office of Justice Programs (OJP). Once you receive your OJP Vendor Number (which may or may not be the same as your taxpayer identification number) and PIN number, after returning the ACH Vendor/Miscellaneous Payment enrollment form, you can follow the directions in the User's Manual to access your funds.

If you are already a COPS Office grantee, you should have already selected one of the two payment methods and filled out an ACH Vendor/Miscellaneous Payment (SF 3881) enrollment form. If you have any questions, please call the Accounting Division help line at (202) 307-6232 for LOCES questions or (202) 307-5909 for PAPRS questions.

## **PAYMENT QUESTIONS**

### **Can we receive advances?**

Yes. If you receive funds through electronic transfer, the period allowed is ten (10) days in advance. If you receive funds by Treasury check, the period allowed is 28 days in advance.

In general, the concept of "minimum cash-on-hand" applies to COPS grants. The minimum cash-on-hand concept requires that you request funds based upon immediate cash disbursement needs. You should time your request for payment to ensure that Federal cash-on-hand is the minimum that you need to make your immediate payments. There should be no excess Federal grant funds on hand, except for approved advances discussed above.

The Federal Government has four basic rules regarding advances. Advances can be terminated if the grantee:

- Is unwilling or unable to attain project goals;
- Maintains excess cash on hand;
- Does not adhere to the terms and conditions of the grant; or
- Fails to submit reliable and/or timely reports.

### **How often do we request reimbursement of costs?**

There are no definitive guidelines on how often you should request reimbursements.

### **Can we earn interest on our grant funds?**

You should minimize the time between your draw down of grant funds and your payment of grant costs. You need to account for interest earned on advance of Federal funds as follows:

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- You may keep interest earned on all advances of Federal grant funds up to \$250 per fiscal year; and
  - Annually remit interest earned (over and above \$250 per fiscal year) on advances of Federal grant funds to the U.S. Department of Health and Human Services, Payment Management Systems, Rockville, MD 20852.

### **Why are you sending us a Revised H-3 (Request for Payment) form if we cannot get paid this way?**

You may need to use a Revised H-3 if you experience problems with either PAPRS or LOCES. If you experience problems getting paid, first call the Accounting Division help line at (202) 307-6232 for LOCES problems or (202) 307-5909 for PAPRS problems. If they cannot fix the problem, an Accountant may request that you send in a COPS Request for Payment (Revised H-3) form instead. You received one in your award package; it has pre-printed information on the front and detailed instructions on the back. You should make a copy of the Revised H-3 form and retain the original for other emergency situations. Please follow the directions provided by the accountant if they ask you to submit a Revised H-3.

If you have to use the COPS Request for Payment (Revised H-3) method, you will receive payments to your bank account through direct deposit.

The Revised H-3 is also a good way to record your request for payment via PAPRS. If you complete the form prior to making the phone call to PAPRS, the actual input of data is less prone to errors. It is also a good practice to use the signature lines at the bottom of the form.



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## **Section IV**

### **FINANCIAL RECORD**

### **MAINTENANCE**

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Under the Advancing Community Policing grant, you are required to establish and maintain accounting systems and financial records to accurately account for funds awarded and disbursed.

## ACCOUNTING SYSTEMS

Your accounting system should:

- Present and itemize approved costs of salaries and benefits; show the actual costs of salaries and benefits, equipment and technology, and overtime; and show the actual cost of each item funded;
- Assure responsible use of grant funds;
- Assure that funds are spent in conformance with your grant conditions; and
- Be able to provide the necessary information for periodic financial review.

### **What records should be kept?**

Your fiscal control and accounting systems should allow you to make accurate, current and complete disclosure of the financial activity under your COPS ACP grant. Your accounting records should contain information showing expenditures under the grant and must be supported by items such as payrolls, time and attendance records, purchase orders, canceled checks, or similar documents. You must adequately safeguard grant funds and make sure that they are used for authorized purposes. You will be responsible for refunding any expenditures that are disallowed by auditors.

### **How long should documents be kept?**

All financial records — including payroll, time and attendance records, purchase orders, canceled checks, and similar documents associated with your COPS ACP grant — should be kept for at least three years from the grant closing audit report date. If any litigation, claim, negotiation, audit or other action involving these records has been started before the end of the 3-year period, the records should be kept until completion of the action. These records should be easily located and should be properly protected against fire or other damage.

You should maintain your records so that you can identify them by grant year or by your fiscal year, whichever you find more convenient.

### **What if we have more than one grant?**

If you have more than one Federal grant, funds received under one project may not be used to support another project. Your accounting systems and financial records must reflect expenditures for each project separately.

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### **Who may access our records?**

Authorized Federal representatives, including the representatives of the U.S. Department of Justice and the Comptroller General for the U.S., may access these records as long as they exist for the purposes of making audits, examinations, excerpts or transcripts.

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## **Section V**

# **FEDERAL AUDIT REQUIREMENTS**

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## AUDIT REQUIREMENTS

State and local governments, nonprofit organizations, and institutions of higher education are governed by OMB Circular A-133, as amended. Whether an audit is required under this circular is dependent upon the amount of Federal funds that can be audited during the recipient's fiscal year. If the organization receives \$300,000 or more per year in Federal funds, the organization shall have an organizationwide financial and compliance audit.

State and local governments, nonprofit organizations, and institutions of higher education receiving less than \$300,000 a year in Federal awards are exempt from Federal audit requirements, but records must be available for review by appropriate officials of the Federal grantor agency or subgranting entity.

Commercial (for profit) organizations shall have financial and compliance audits performed by qualified individuals who are independent from those who authorized the expenditure of Federal funds. This audit must be performed in accordance with Government Audit Standards. The audit thresholds contained in OMB Circular A-133, as amended, apply.

### **What is an organizationwide financial and compliance audit?**

An organizationwide financial and compliance audit is an audit conducted by an independent auditor covering the entire operations of the state and local government, nonprofit organization, or institution of higher education. At the option of a particular government entity, an organizationwide financial and compliance audit can be performed only on the specific departments or agencies that will receive, expend or otherwise administer Federal funds during the fiscal year, rather than on the entire state or government entity.

### **What is the purpose of an audit?**

Audits review your administration of grant funds and specifically determine whether:

- You have established an accounting system which will provide reasonable assurance that your organization is managing the COPS ACP funds in compliance with the laws and regulations documented in this manual and in the assurances which were part of your application. Your accounting system must provide for adequate review and control by your authorized officials to provide accountability for grant draw-down amounts; grant payments for salaries and benefits, equipment purchases, contracted services, etc.; and bank account balances.
- You or your financial manager have prepared financial statements that are accurate and that are in accordance with generally accepted accounting principles.

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- You have prepared financial reports — including financial status reports, cash reports, and claims for advances and reimbursements — which contain accurate and reliable financial data and are represented in accordance with the conditions of your COPS ACP grant and this COPS ACP Grant Owner's Manual.
  - You have spent the grant funds in accordance with the conditions of your COPS ACP grant and provisions for Federal law that may bear on your financial statements.

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**If an organization receives \$300,000 or more per year in Federal funds, the organization shall have an organizationwide financial and compliance audit.**

### **What are the audit reporting requirements?**

If an auditor becomes aware of any issues or illegal acts, the auditor is required to give prompt notice of the problem to the management officials in your department. The management official is required to promptly notify your Cognizant Federal Agency of the issues or illegal acts and of the proposed and actual actions to solve the problem. The COPS Office must inform the appropriate officials, including state and local law enforcement agencies or prosecuting authorities, of any known violations of the law within their respective area of jurisdiction.

Your auditor may request from you the Catalog of Federal Domestic Assistance (CFDA) number for the Advancing Community Policing grant. That number is 16.710.

### **What is the due date of audit reports?**

1. A grantee whose fiscal year begins **before** July 1, 1998, must submit an audit report **within 13 months** after their fiscal year ends.
2. A grantee whose fiscal year begins **on or after** July 1, 1998, must submit an audit report **within 9 months** after their fiscal year ends.

### **Where are the audit reports to be submitted?**

You should submit reports of your audit to your Cognizant Federal Agency and to other Federal agencies that provide direct Federal funding to your organization.

A Cognizant Federal Agency is generally the Federal agency that provides you with the most Federal money. If this is the first Federal grant that your organization has received, the U.S. Department of Justice is your Cognizant Federal Agency. In that case, your audit reports should be sent to the Justice Department's Offices of the Regional Inspector General. In addition, a copy of your audit transmittal letter (cover letter) addressed to the DOJ Regional Inspector General's Office must be sent to the Control Desk, Office of the Comptroller, Office of Justice Programs, 810 7th St, NW, Washington, DC 20531.



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If this is not your first Federal grant, please check with your financial analyst or auditor within your department to determine locally the identity of your Cognizant Federal Agency. If you are unable to determine which agency this is, please contact your COPS financial analyst.

### **What if there are problems with our audit report?**

Your management officials will need to develop recommendations for timely action that will resolve issues that the audit identifies. Prior to your audit, you should develop policies and procedures for how your agency will respond to audit recommendations. These policies and procedures should designate officials to be responsible for:

- Follow-up on audit findings;
- Maintaining a record of the actions taken on recommendations and time schedules;
- Responding to and acting on audit recommendations;
- Submitting periodic reports to the Cognizant Federal Agency on recommendations and actions taken.

### **How are audit requirements monitored?**

The Office of the Comptroller, in coordination with the COPS Office, will track audit requirements. Audit reports will be tracked until all issues are resolved, and the audit is closed.

### **How can our agency receive technical assistance with audit requirements?**

The Office of the Inspector General at the U.S. Department of Justice is available to provide technical assistance to you in implementing audit requirements where the Justice Department is your assigned Cognizant Federal Agency. You may receive assistance on the following audit matters by contacting your Regional Inspector General (see Appendix D for addresses and telephone numbers):

- Review of audit arrangements;
- Review of audit programs or guides to be used for the conduct of the audit;
- On-site assistance in performing the audit, when necessary, as a result of complex problems that arise.

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### **What are the consequences of not complying with audit requirements?**

Future grants will not be awarded to any grantee who has an overdue audit report or an open audit report where the grantee has not attempted to respond or has taken no action to resolve findings. You must be in compliance with the audit requirements to receive grant funds. Exceptions to this policy are by the recommendation of the Office of the Comptroller.

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## **Section VI**

# **REPORTS**

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Periodically, you will be asked to provide two types of reports - Program Progress Reports and Financial Status Reports. Funds and future awards may be withheld if reports are not returned or are excessively late.

## **PROGRAM PROGRESS REPORTS**

### **How often will Progress Reports be requested?**

Program Progress Reports will be distributed on a periodic basis throughout the grant period. Grant recipients must adhere to all deadlines for the submission of these reports.

### **What kind of information will these reports require?**

These reports will request information on the status of ACP-funded activities, as well as updates on the hiring of personnel and the purchase and installation of equipment and technology. You will be asked about progress you have achieved in advancing community policing within your agency.

### **How and when will these forms be sent?**

These reports and instructions will be mailed to you in the next several months. You also will receive periodic phone calls from your grant advisor regarding the status of your grant. Your grant advisor or other representatives of COPS may make site visits to your agency during the grant period.

## **FINANCIAL STATUS REPORTS**

### **How will grant funds be monitored?**

The Office of the Comptroller monitors the financial aspects of your grant through financial reports, meetings, telephone contacts, reports, audits, review of grant change requests and special request submissions. In specific cases, information may be requested during an on-site visit.

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## **How do we file Financial Status Reports under PAPRS?**

Under the PAPRS system, you are required to complete and return quarterly Financial Status Reports (SF-269) within 45 days after the end of the calendar quarter. These reports request information on your monies spent and the unobligated amounts.

Much of the standard information will be completed by the Office of the Comptroller for your review only. Blank copies of these forms may be requested through the Office of Management and Budget's Fax Info line at 202-395-9068. The fax-on-demand number for the Financial Status Report is # 2691.

**YOU WILL NOT BE ABLE TO ACCESS FUNDS IN THE PAPRS SYSTEM UNLESS YOU HAVE SUBMITTED THESE FINANCIAL STATUS REPORTS.**

## **How do we file Financial Status Reports under LOCES?**

Under the LOCES payment method, you are required to complete and return quarterly Financial Status Reports (SF- 269) within 45 days after the end of the calendar quarter. However, you will have the option of completing those reports electronically each quarter.

## **CASH RECONCILIATION REPORTS**

The Office of the Comptroller, Accounting Division, will send a Cash Reconciliation report twice a year. This report includes all cash activity related to your grant during the period printed on the report. You will need to verify the accuracy of this report. If the reflected information is accurate and in agreement with your records, no response is necessary. If the information differs from your records, please write to the Accounting Division and identify the differences.

## **REPORTING VIOLATIONS (FRAUD, WASTE AND ABUSE)**

If you suspect any alleged violations, serious irregularities or acts that may result in the use of public funds in a manner inconsistent with the Public Safety Partnership and Community Policing Act of 1994 or the purposes of this grant, please report such to the U.S. Department of Justice Inspector General Hotline at 1-800-869-4499. We greatly appreciate your cooperation to help us ensure that these Federal grant funds are spent responsibly.

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## **Section VII**

# **WHEN THE GRANT PERIOD HAS ENDED**

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## **"CLOSING OUT" YOUR GRANT**

**A**t the end of your grant period, the COPS Office is responsible for the "close out" of your grant. To fulfill this requirement, we must determine that you, as well as the COPS Office, have completed all of the work required of the grant.

### **When should all of the grant monies be spent?**

Grant funds must be obligated by the end of the grant period. Obligated funds cover expenses that you have incurred but not yet paid. Grant funds that have been obligated have 90 days after the end of the grant to be paid out (expended) to you. Any grant funds that you do not request payment for by the end of the 90th day will revert to the COPS Office. Any unspent funds must be returned to the Federal Government.

### **Final reports**

Within 90 days of the end of your grant period, the COPS Office will ask you to submit final financial and Program Progress Reports. The final Program Progress Report and its instructions will be mailed to you toward the end of your grant period.

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## **EPILOGUE**

We hope that this manual has assisted you with your grant questions. We welcome and encourage any comments you have regarding COPS Advancing Community Policing and the materials we are developing for its administration. If you have specific comments regarding this manual, please send them to COPS ACP Grant Owner's Manual, 1100 Vermont Avenue, NW, 8th Floor, Washington, DC 20530. We will review these comments and make revisions as appropriate.

If you have any questions about your grant, please call 1-800-421-6770 or your grant advisor.

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## **Section VIII**

# **APPENDICES**

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## APPENDIX A

### Allowable Costs

The following information summarizes categories of allowable and unallowable costs for funding from COPS under the Advancing Community Policing program (hereafter referred to as “program”). The budget items must programmatically link to the activities described in the proposal. While costs may be listed as allowable, the COPS Office will determine the appropriateness of the requested funds for the activities within each proposal. The burden to adequately demonstrate that the item requested is directly related to the program is placed on the grantee, and the COPS Office may delete any unlinked items without notification.

Although some of the statutory requirements for COPS grants have been waived for the Advancing Community Policing program, the prohibition against supplanting remains in force. That is, funds provided must be in addition to locally budgeted items, not in lieu of these items.

### Personnel

#### Allowable

##### Law Enforcement employees

- Salaries and benefits of new officers hired to work directly on this program
- Salaries and benefits of new officers hired to allow for redeployment of existing officers into the program
  - Salaries and fringe benefits must be based on your agency’s entry-level salary and entry-level fringe benefits
  - Salaries and benefits can be used *only* for the new officer(s) and not the reassigned officer(s)
- Overtime for existing *full-time officers* if they are redeployed to this program (The COPS Office is unable to pay overtime to part-time officers.)
- Overtime for existing full-time officers working directly on this program to attend training provided during hours outside of the officer’s normal work schedule
- Salaries and benefits of civilians or other support staff hired in order to redeploy existing sworn officers into the program

##### Employees other than law enforcement officers

- Salaries and benefits of new employees hired to work directly on this program
- Salaries and benefits of new employees hired to allow for redeployment of existing staff into the program
  - Salaries and fringe benefits must be based on what your agency or locality currently spends on the existing staff positions’ salary and benefits

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- Approved salaries and benefits can be used only for the new employee(s) and not the reassigned employee(s)
  - Overtime for existing full-time employees working directly on this program to attend training provided during hours outside of the employees' normal work schedule

### **Unallowable**

- Salaries and benefits of existing employees
- Salaries and benefits of grant writers or other staff that do not directly contribute to the implementation or enhancement of the program

NOTE: When itemizing fringe benefits, FICA combined with Social Security cannot exceed 7.65 percent. If you are not requesting reimbursement for FICA, Worker's Compensation or Unemployment, please make a note that your agency plans to cover these items, as they are required benefits.

### **Travel**

#### **Allowable**

- Reasonable out of town travel costs (lodging, meals and transportation costs, if travel is over 50 miles from program location) in accordance with applicable guidelines to visit other jurisdictions engaged in similar programs or to attend conferences/training directly related to the goals of the program

#### **Unallowable**

- Local travel costs (lodging, meals or transportation costs) within a 50-mile radius of the program location

### **Technology and Equipment**

NOTE: Any expenses under \$5,000 per unit should be itemized under "Supplies."

#### **Allowable**

- Technology and equipment that can be clearly linked to the implementation or enhancement of the program. The burden is on the grantee to adequately demonstrate this connection. (Some potential examples may include computerized crime analysis software, mapping software or electronic bulletin boards to enhance communication between police and citizens.)

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## **Unallowable**

- Standard police issue equipment [includes patrol cars, mobile police units, weapons, vests, accessories, “emergency equipment,” MDTs (MDCs and laptops are allowable), and uniforms]
- Office furniture and equipment, such as copiers, shredders, desks, chairs, etc.

## **Supplies**

### **Allowable**

- Supplies — such as copying, general office items, postage and others — if directly related to the program

### **Unallowable**

- Standard office supplies not directly related to the program

## **Construction**

- No construction costs are allowable under this program

## **Consultants/Contracts**

### **Allowable**

- Consultant/contractor costs if they directly contribute to the implementation or enhancement of the program (NOTE: Consulting and/or contractor costs may not exceed \$250 per day without prior approval by the COPS Office.)
- Consultant or trainer fees only for additional training that supplements, but does not replace, any current training of new or redeployed officers, civilians and/or community members in areas or topics that relate to the program’s goals
- Supervisory training related to the program
- Conference costs related to the program (registration fees, books)

### **Unallowable**

- Training in topics not directly linked to the program

## **Miscellaneous**

### **Allowable**

- Performance evaluation development

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- Publications relating to the program and community policing
  - Reasonable and appropriate community incentives (subcontracts, awards, etc.)
  - Local evaluation costs (Examples of these costs include: small contracts with local colleges and universities, in-house research staff costs, and focused technology costs)
  - Training development costs directly related to the program
  - Costs related to survey development, survey administration and analysis of survey information
  - In-house newsletters
  - Partnership or team-building costs including travel, focus group meetings and other related activities (note, however, that meals and refreshments for meetings are not allowed)
  - Video production if directly related to the program
  - Costs of community meetings and workshops, including reasonable room-rental costs
  - Internet access fees, online research services, etc. if directly related to the program

### **Unallowable**

- Other miscellaneous costs that do not directly lead to the implementation or enhancement of the program
- Meals or refreshment costs associated with meetings, etc.

## **ADDITIONAL BUDGET GUIDELINES FOR CENTERS**

### **Research and Evaluation**

At least 10 percent of the Demonstration Centers project budget must be allocated to research and evaluation efforts. For funding requests exceeding \$500,000, a partnership with university researchers or other experienced independent evaluators is encouraged if in-house capability cannot be demonstrated.

If the organization does not have such capabilities at this time, a Collaboration Agreement with an outside agency with such research and evaluation skills should have been submitted with the application. The Collaboration Agreement did not have to have all research/evaluation activities clearly formulated at the time of submission; however, the Collaboration Agreement should demonstrate that the partners have agreed to a time line for the development of the research and evaluation projects.



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## **Cluster Conferences**

Additionally, at least 5 percent of the total Community Policing Demonstration Centers project budget must be allocated for cluster conferences that the grantee will host. The grantee needs to clearly detail what types of topics the conference(s) will cover and what types of jurisdictions or audiences will be involved or targeted to attend.

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## APPENDIX B

### List of Source Documents

#### *Primary Sources:*

Public Safety Partnership and Community Policing Act of 1994, 42 U.S.C.

U.S. Department of Justice, Office of Justice Programs, Financial and Administrative Guide for Grants, OJP M 7100.1D: May 15, 1990

#### *Additional Sources:*

Code of Federal Regulations (CFR)

28 CFR Part 66 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

28 CFR Part 67 Governmentwide Requirements for Drug-Free Workplaces (Grants)

28 CFR Part 69 Governmentwide New Restrictions on Lobbying

31 CFR Part 205 Treasury Department Regulations Implementing for Cash Management Improvement Act of 1990

OMB Circular A-87 *Cost Principles for State and Local Governments*

OMB Circular A-33 *Audits of Educational Institutions*

Assurances for Universal Hiring (Included)

Executive Order 12547 "Non-Procurement Debarments and Suspension"

Executive Order 12372, 28 CFR, Part 30 "Intergovernmental Review of Federal Programs"

OMB Circular A-129 *Managing Federal Credit Programs*

4 CFR Parts 101-105 Department of Justice/General Accounting Office, "Joint Federal Claims Collections Standards"

5 CFR Part 1320 "Controlling the Paperwork Burden on the Public"

Executive Order 12291 "Regulations"

5 CFR Part 151 "Political Activities of State and Local Officials or Employees"

## APPENDIX C

U.S. Department of Justice  
Office of Community Oriented Policing Services



### Assurances

Several provisions of Federal law and policy apply to all grant programs. We (the Office of Community Oriented Policing Services) need to secure your assurance that you (the applicant) will comply with these provisions. If you would like further information about any of the matters on which we seek your assurance, please contact us:

By your authorized representative's signature, you assure us and certify to us that you will comply with all legal and administrative requirements that govern the applicant for acceptance and use of Federal grant funds. In particular, you assure us that:

1. You have been legally and officially authorized by the appropriate governing body (for example, mayor or city council) to apply for this grant and that the persons signing the application and these assurances on your behalf are authorized to do so and to act on your behalf with respect to any issues that may arise during processing of this application.
2. You will comply with the provisions of Federal law which limit certain political activities of your employees whose principal employment is in connection with an activity financed in whole or in part with this grant. These restrictions are set forth in 5 U.S.C. § 1501, et seq.
3. You will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if they apply to you.
4. You will establish safeguards, if you have not done so already to prohibit employees from using their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family business or other ties.
5. You will give the Department of Justice or the Comptroller General access to and the right to examine records and documents related to the grant.
6. You will comply with all requirements imposed by the Department of Justice as a condition or administrative requirement of the grant; with the program guidelines; with the requirements of OMB Circulars A-87 (governing cost calculations) and A-128 or A-133 (governing auditing); with the applicable provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; with 28 CFR Part 66 (Uniform Administrative Requirements); with the provisions of the current edition of the appropriate COFS grant owner's manual; and with all other applicable laws, orders, regulations or circulars.
7. You will, to the extent practicable and consistent with applicable law, seek, recruit and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions in your agency.
8. You will not on the ground of race, color, religion, national origin, gender, disability or age, unlawfully exclude any person from participation in, deny the benefits of or employment to any person, or subject any person to discrimination in connection with any programs or activities funded in whole or in part with Federal funds. These civil rights requirements are found in the non-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789(d)); Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); Title II, Subtitle A of the Americans with Disabilities Act (ADA) (42 U.S.C. § 12101, et seq.); the Age Discrimination Act of 1975 (42 U.S.C. § 6101, et seq.); and Department of Justice Non-Discrimination Regulations contained in Title 28, Parts 35 and 42 (subparts C, D, E and G) of the Code of Federal Regulations.
- A. In the event that any court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin, gender, disability or age against you after a due process hearing, you agree to forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs, 810 7th Street, NW, Washington, DC 20531.
- B. If you are applying for a grant of \$500,000 or more and Department regulations (28 CFR 42.301 et seq.) require you to submit an Equal Opportunity Employment Plan, you will do so at the time of this application, if you have not done so in the past. If you are applying for a grant of less than \$500,000 and the regulations require you to maintain a Plan on file in your office, you will do so within 120 days of your grant award.
9. You will insure that the facilities under your ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that you will notify us if you are advised by the EPA indicating that a facility to be used in this grant is under consideration for listing by EPA.
10. If your state has established a review and comment procedure under Executive Order 12372 and has selected this program for review you have made this application available for review by the state Single Point of Contact.
11. You will devise a plan to maintain the increased hiring level with state and local funds after the conclusion of your grant.

*I hereby certify compliance with the above assurances that govern the application and use of Federal funds.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## Certifications

### Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements Coordination with Affected Agencies; Non-Supplanting; and Retention.

Although the Department of Justice has made every effort to simplify the application process, other provisions of Federal law require us to seek your certification regarding certain matters. Applicants should read the regulations cited below and the instructions for certification included in the regulations to understand the requirements and whether they apply to a particular applicant. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)," and the coordination and non-supplanting requirements of the Public Safety Partnership and Community Policing Act of 1994. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered grant.

#### 1 Lobbying

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal grant or cooperative agreement;

B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form — LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

#### 2 Debarment, Suspension and Other Responsibility Matters (Direct Recipient)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510 —

A. The applicant certifies that it and its principals:

(i) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of

Federal benefits by a state or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(ii) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state or local) transaction or contract under a public transaction; violation of Federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(iii) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, state or local) with commission of any of the offenses enumerated in paragraph (A)(ii) of this certification; and

(iv) Have not within a three-year period preceding this application had one or more public transactions (Federal, state or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

#### 3 Drug-Free Workplace (Grantees Other Than Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67, Sections 67.615 and 67.620 —

A. The applicant certifies that it will, or will continue to, provide a drug-free workplace by:

(i) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(ii) Establishing an on-going drug-free awareness program to inform employees about —

- (a) The dangers of drug abuse in the workplace;
- (b) The grantee's policy of maintaining a drug-free workplace;
- (c) Any available drug counseling, rehabilitation and employee assistance programs; and
- (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (iii) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (i);
- (iv) Notifying the employee in the statement required by paragraph (i) that, as a condition of employment under the grant, the employee will—
- (a) Abide by the terms of the statement; and
- (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (v) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (iv)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: COPS Office, 1100 Vermont Ave., NW, Washington, DC 20530. Notice shall include the identification number(s) of each affected grant;
- (vi) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (iv)(b), with respect to any employee who is so convicted:—
- (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state or local health, law enforcement or other appropriate agency;
- (vii) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (i), (ii), (iii), (iv), (v) and (vi).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of performance (street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Section 67.630 of the regulations provides that a grantee that is a state may elect to make one certification in each Federal fiscal year, a copy of which should be included with each application for Department of Justice funding. States and state agencies may elect to use OJP Form 4061/7.

Check ☐ if the state has elected to complete OJP Form 4061/7.

#### 4 Coordination

The Public Safety Partnership and Community Policing Act of 1994 requires applicants to certify that there has been appropriate coordination with all agencies that may be affected by the applicant's grant proposal if approved. Affected agencies may include, among others, the Office of the United States Attorney, state or local prosecutors, or correctional agencies. The applicant certifies that there has been appropriate coordination with all affected agencies.

#### 5 Non-Supplanting

The applicant hereby certifies that Federal funds will not be used to replace or supplant state or local funds, or funds supplied by the Bureau of Indian Affairs, that would, in the absence of Federal aid, be made available to or for law enforcement purposes.

#### 6 Retention

The applicant hereby certifies that it understands that it must abide by its submitted plan to retain the additional officer positions at the conclusion of the grant period.

Grantee Name and Address: \_\_\_\_\_

Application No. and/or Project Name: \_\_\_\_\_ Grantee IRS/ Vendor Number: \_\_\_\_\_

Type Name and Title of Law Enforcement Representative: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*As the duly authorized representative of the governing body, I hereby certify that I am binding the governing body to the above certifications, including the plan to retain. Elections of new officials will not relieve the governing body of its obligations under this grant.*

Type Name and Title of Government Representative: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## APPENDIX D

### Regional Offices of the Inspector General for Audit

Regional Audit Office	Geographical Area of Responsibility
Clark F. Cooper, Atlanta, Regional Inspector General for Audit 101 Marietta Street, Suite 2322 Atlanta, GA 30323-2401 Voice No. (404) 331-5037; Fax No. (404) 331-5046	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, South Carolina, Puerto Rico, Virgin Islands
Robert C. Gruensfelder, Chicago, Reg. Inspector General for Audit 500 West Madison, Suite 3510 Chicago, IL 60661-2550 Voice No. (312) 353-1203; Fax No. (312) 886-0513	Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin
George W. Stendell, Dallas, Regional Inspector General for Audit 207 S. Houston St., Box 4, Room 575 Dallas, TX 75202-4724 Voice No. (214) 655-5000; Fax No. (214) 655-5025	Arkansas, Louisiana, New Mexico, Oklahoma, Texas
David Sheenen, Denver Area Assistant Regional Inspector General for Audit Colonnade Center Federal Building 1244 Speer Boulevard, Suite 640 Denver, CO 80204 Voice No. (303) 844-3638; Fax No. (303) 844 2780	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
M. Thomas Clark, San Francisco, Regional Inspector General for Audit 1200 Bayhill Drive, Suite 201 San Bruno, CA 94066 Voice No. (415) 876-9220; Fax No. (415) 876-0902	Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, Trust Territories of the Pacific Islands, Commonwealth of Northern Mariana Islands
Domenic A. Zazzaro, Northeast, Reg. Inspector General for Audit 1425 New York Avenue, NW, Suite 6001 Washington, DC 20530 Voice No. (202) 616-4688; Fax No. (202) 616-4581	District of Columbia, Maryland, Virginia, West Virginia
David Andelman, NE Area Assistant Regional Inspector General for Audit 701 Market Street, Suite 201 Philadelphia, PA 19106 Voice No. (215) 580-2111; Fax No. (215) 597-1348	Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont

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## APPENDIX E

### 28 C.F.R. Part 23

#### Part 23—CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Sec.

- 23.1 Purpose.
- 23.2 Background.
- 23.3 Applicability.
- 23.20 Operating principles.
- 23.30 Funding guidelines.
- 23.40 Monitoring and auditing of grants for the funding of intelligence systems.

AUTHORITY: 42 U.S.C. 3782(a); 42 U.S.C. 3789g(c).

SOURCE: 58 FR 48452, Sept. 16, 1993, unless otherwise noted.

#### § 23.1 Purpose.

The purpose of this regulation is to assure that all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711, *et seq.*, as amended (Pub. L. 90-351, as amended by Pub. L. 91-644, Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430, Pub. L. 94-503, Pub. L. 95-115, Pub. L. 96-157, Pub. L. 98-473, Pub. L. 99-570, Pub. L. 100-690, and Pub. L. 101-647), are utilized in conformance with the privacy and constitutional rights of individuals.

#### § 23.2 Background.

It is recognized that certain criminal activities including but not limited to loan sharking, drug trafficking, trafficking in stolen property, gambling, extortion, smuggling, bribery, and corruption of public officials often involve some degree of regular coordination and permanent organization involving a large number of participants over a broad geographical area. The exposure of such ongoing networks of criminal activity can be aided by the pooling of information about such activities. However, because the collection and exchange of intelligence data necessary to support control of serious criminal activity may represent potential threats to the privacy of individuals to whom such data relates, policy guidelines for Federally funded projects are required.

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### § 23.3 Applicability.

(a) These policy standards are applicable to all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711, *et seq.*, as amended (Pub. L. 90-351, as amended by Pub. L. 91-644, Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430, Pub. L. 94-503, Pub. L. 95-115, Pub. L. 96-157, Pub. L. 98-473, Pub. L. 99-570, Pub. L. 100-690, and Pub. L. 101-647.)

(b) As used in these policies: (1) *Criminal Intelligence System* or *Intelligence System* means the arrangements, equipment, facilities, and procedures used for the receipt, storage, interagency exchange or dissemination, and analysis of criminal intelligence information;

(2) *Interjurisdictional Intelligence System* means an intelligence system which involves two or more participating agencies representing different governmental units or jurisdictions;

(3) *Criminal Intelligence Information* means data which has been evaluated to determine that it:

(i) Is relevant to the identification of and the criminal activity engaged in by an individual who or organization which is reasonably suspected of involvement in criminal activity, and

(ii) Meets criminal intelligence system submission criteria;

(4) *Participating Agency* means an agency of local, county, State, Federal, or other governmental unit which exercises law enforcement or criminal investigation authority and which is authorized to submit and receive criminal intelligence information through an interjurisdictional intelligence system. A participating agency may be a member or a nonmember of an interjurisdictional intelligence system;

(5) *Intelligence Project* or *Project* means the organizational unit which operates an intelligence system on behalf of and for the benefit of a single agency or the organization which operates an interjurisdictional intelligence system on behalf of a group of participating agencies; and

(6) *Validation of Information* means the procedures governing the periodic review of criminal intelligence information to assure its continuing compliance with system submission criteria established by regulation or program policy.

### § 23.20 Operating principles.

(a) A project shall collect and maintain criminal intelligence information concerning an individual only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity.

(b) A project shall not collect or maintain criminal intelligence information about the political, religious or social view, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization unless such information directly relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.

(c) *Reasonable Suspicion* or *Criminal Predicate* is established when information exists which establishes sufficient facts to give a trained law enforcement or criminal investigative agency officer, investigator, or employee a basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise. In an interjurisdictional intelligence system, the project is responsible for establishing the existence of reasonable suspicion of criminal activity either through examination of supporting information submitted by a participating agency or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project.



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(d) A project shall not include in any criminal intelligence system information which has been obtained in violation of any applicable Federal, State, or local law or ordinance. In an interjurisdictional intelligence system, the project is responsible for establishing that no information is entered in violation of Federal, State, or local laws, either through examination of supporting information submitted by a participating agency or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project.

(e) A project or authorized recipient shall disseminate criminal intelligence information only where there is a need to know and a right to know the information in the performance of a law enforcement activity.

(f)(1) Except as noted in paragraph (f)(2) of this section, a project shall disseminate criminal intelligence information only to law enforcement authorities who shall agree to follow procedures regarding information receipt, maintenance, security, and dissemination which are consistent with these principles.

(2) Paragraph (f)(1) of this section shall not limit the dissemination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary, to avoid imminent danger to life or property.

(g) A project maintaining criminal intelligence information shall ensure that administrative, technical, and physical safeguards (including audit trails) are adopted to insure against unauthorized access and against intentional or unintentional damage. A record indicating who has been given information, the reason for release of the information, and the date of each dissemination outside the project shall be kept. Information shall be labeled to indicate levels of sensitivity, levels of confidence, and the identify of submitting agencies and control officials. Each project must establish written definitions for the need to know and right to know standards for dissemination to other agencies as provided in paragraph (e) of this section. The project is responsible for establishing the existence of an inquirer's need to know and right to know the information being requested either through inquiry or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project. Each intelligence project shall assure that the following security requirements are implemented:

(1) Where appropriate, projects must adopt effective and technologically advanced computer software and hardware designs to prevent unauthorized access to the information contained in the system;

(2) The project must restrict access to its facilities, operating environment and documentation to organizations and personnel authorized by the project;

(3) The project must store information in the system in a manner such that it cannot be modified, destroyed, accessed, or purged without authorization;

(4) The project must institute procedures to protect criminal intelligence information from unauthorized access, theft, sabotage, fire, flood, or other natural or manmade disaster;

(5) The project must promulgate rules and regulations based on good cause for implementing its authority to screen, reject for employment, transfer, or remove personnel authorized to have direct access to the system; and

(6) A project may authorize and utilize remote (off-premises) system data bases to the extent that they comply with these security requirements.

(h) All projects shall adopt procedures to assure that all information which is retained by a project has relevancy and importance. Such procedures shall provide for the periodic review of information and the destruction of any information which is misleading, obsolete or otherwise unreliable and shall require that any recipient agencies be advised of such changes which involve errors or corrections. All information

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retained as a result of this review must reflect the name of the reviewer, date of review and explanation of decision to retain. Information retained in the system must be reviewed and validated for continuing compliance with system submission criteria before the expiration of its retention period, which in no event shall be longer than five (5) years.

(i) If funds awarded under the Act are used to support the operation of an intelligence system, then:

(1) No project shall make direct remote terminal access to intelligence information available to system participants, except as specifically approved by the Office of Justice Programs (OJP) based on a determination that the system has adequate policies and procedures in place to insure that it is accessible only to authorized systems users; and

(2) A project shall undertake no major modifications to system design without prior grantor agency approval.

(j) A project shall notify the grantor agency prior to initiation of formal information exchange procedures with any Federal, State, regional, or other information systems not indicated in the grant documents as initially approved at time of award.

(k) A project shall make assurances that there will be no purchase or use in the course of the project of any electronic, mechanical, or other device for surveillance purposes that is in violation of the provisions of the Electronic Communications Privacy Act of 1986, Public Law 99-508, 18 U.S.C. 2510-2520, 2701-2709 and 3121-3125, or any applicable State statute related to wiretapping and surveillance.

(l) A project shall make assurances that there will be no harassment or interference with any lawful political activities as part of the intelligence operation.

(m) A project shall adopt sanctions for unauthorized access, utilization, or disclosure of information contained in the system.

(n) A participating agency of an interjurisdictional intelligence system must maintain in its agency files information which documents each submission to the system and supports compliance with project entry criteria. Participating agency files supporting system submissions must be made available for reasonable audit and inspection by project representatives. Project representatives will conduct participating agency inspection and audit in such a manner so as to protect the confidentiality and sensitivity of participating agency intelligence records.

(o) The Attorney General or designee may waive, in whole or in part, the applicability of a particular requirement or requirements contained in this part with respect to a criminal intelligence system, or for a class of submitters or users of such system, upon a clear and convincing showing that such waiver would enhance the collection, maintenance or dissemination of information in the criminal intelligence system, while ensuring that such system would not be utilized in violation of the privacy and constitutional rights of individuals or any applicable State or Federal law.

### **§ 23.30 Funding guidelines.**

The following funding guidelines shall apply to all Crime Control Act funded discretionary assistance awards and Bureau of Justice Assistance (BJA) formula grant program subgrants, a purpose of which is to support the operation of an intelligence system. Intelligence systems shall only be funded where a grantee/subgrantee agrees to adhere to the principles set forth above and the project meets the following criteria:

(a) The proposed collection and exchange of criminal intelligence information has been coordinated with and will support ongoing or proposed investigatory or prosecutorial activities relating to specific

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areas of criminal activity.

(b) The areas of criminal activity for which intelligence information is to be utilized represent a significant and recognized threat to the population and:

(1) Are either undertaken for the purpose of seeking illegal power or profits or pose a threat to the life and property of citizens; and

(2) Involve a significant degree of permanent criminal organization; or

(3) Are not limited to one jurisdiction.

(c) The head of a government agency or an individual with general policy making authority who has been expressly delegated such control and supervision by the head of the agency will retain control and supervision of information collection and dissemination for the criminal intelligence system. This official shall certify in writing that he or she takes full responsibility and will be accountable for the information maintained by and disseminated from the system and that the operation of the system will be in compliance with the principles set forth in §23.20.

(d)(1) Where the system is an interjurisdictional criminal intelligence system, the governmental agency which exercises control and supervision over the operation of the system shall require that the head of that agency or an individual with general policy making authority who has been expressly delegated such control and supervision by the head of the agency:

(i) Assume official responsibility and accountability for actions taken in the name of the joint entity, and

(ii) Certify in writing that the official takes full responsibility and will be accountable for insuring that the information transmitted to the interjurisdictional system or to participating agencies will be in compliance with the principles set forth in §23.20.

(2) The principles set forth in §23.20 shall be made part of the by-laws or operating procedures for that system. Each participating agency, as a condition of participation, must accept in writing those principles which govern the submission, maintenance and dissemination of information included as part of the interjurisdictional system.

(e) Intelligence information will be collected, maintained and disseminated primarily for State and local law enforcement efforts, including efforts involving Federal participation.

#### **§ 23.40 Monitoring and auditing of grants for the funding of intelligence systems.**

(a) Awards for the funding of intelligence systems will receive specialized monitoring and audit in accordance with a plan designed to insure compliance with operating principles as set forth in §23.20. The plan shall be approved prior to award of funds.

(b) All such awards shall be subject to a special condition requiring compliance with the principles set forth in §23.20.

(c) An annual notice will be published by OJP which will indicate the existence and the objective of all systems for the continuing interjurisdictional exchange of criminal intelligence information which are subject to the 28 CFR Part 23 Criminal Intelligence Systems Policies.